

Remarks

Applicant appreciates the Examiner's consideration of the present application. Applicant is submitting an Information Disclosure Statement, together with the requisite fee, that recites the prior art identified by Applicant. Applicant is also providing replacement drawing sheets and amendments to the specification addressing all of Examiner's objections.

With respect to the Examiner's substantive rejections of the claims, Applicant has canceled all pending claims 1-61, thereby rendering Examiner's 35 USC Section 101, 112, 102, and 103 rejections moot.

Applicant has added new claims that are clearly not disclosed, or rendered obvious, by the cited art. In particular, U.S. Patent No. 4,321,930 discloses a head band that incorporates a light source and reflected/scattered light. U.S. Patent No. 6,144,868 discloses a band-aid like device that incorporates a light source and detector.

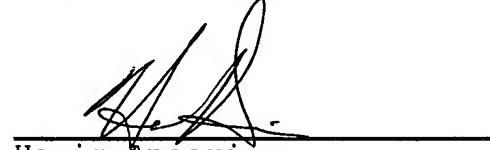
Applicant's new claims patent a completely different sensor structure, namely a suction-like device that attaches specifically to a patient's chin region. Applicant has made it clear that the claimed invention does not include the patient's chin; rather, the sensor is *configured* to fit onto the patient's chin.

Applicant believes that it has satisfactorily addressed the bases underlying the Examiner's objections and rejections. Applicant therefore submits the present application is in form for allowance.

**Request for a three month extension**

Applicant requests a three month extension for providing its response. Therefore, Applicant is providing a fee payment of \$1020 on credit card form PTO-2038.

Respectfully submitted,



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**Replacement Drawings**

Applicant is submitting replacement drawings for all figures on drawing sheets 1 to 10. In particular, reference number 1307 was eliminated from Figure 13 and replaced with 1308, which refers to the respiratory rate of a monitored patient. Figure 11 was amended to remove reference number 1102 and reference number 500 was added to Figure 5 to refer to the entirety of the quasi-transmission sensor. Applicant believes the corrected drawings sheets are in compliance with 37 CFR 1.121(d). Additional objections to the drawings have been addressed by amendments to the specification.